

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TERRANCE JOE QUINLAN,

Plaintiff,

v.

JOHN CONATY,

Defendant.

C21-0991 TSZ JRC

ORDER

THIS MATTER comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, Chief United States Magistrate Judge, docket no. 71. Having reviewed the R&R and plaintiff’s notice of motion, docket no. 73, which the Court treats as an objection to the R&R, the Court ORDERS as follows:

(1) The R&R, docket no. 71, is ADOPTED in part and MODIFIED in part;

(2) Defendant’s motion to dismiss, docket no. 58, is GRANTED, and plaintiff’s claims against Bureau of Alcohol, Tobacco, Firearms and Explosives Task Force Officer John Conaty are DISMISSED with prejudice, but without prejudice to plaintiff pursuing claims against the United States pursuant to the Federal Tort Claims Act (“FTCA”), 28 U.S.C. §§ 2671–2680; the Court is persuaded that plaintiff pro se Terrance Joe Quinlan cannot pursue *Bivens* claims against Conaty, but FTCA claims

1 against the United States might constitute an alternative means of recovery for Quinlan's
2 alleged injuries, see Mejia v. Miller, 53 F.4th 501 (9th Cir. 2022);

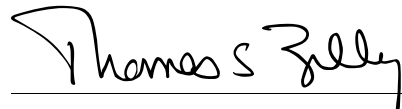
3 (3) Quinlan's notice of motion, which is treated as an objection to the R&R,
4 cites jurisprudence concerning 42 U.S.C. § 1983 and the related doctrine of qualified
5 immunity, which have no relevance in this matter because Conaty is a federal, not a state,
6 officer. Quinlan's notice of motion, docket no. 73, is STRICKEN;

7 (4) Quinlan is GRANTED *in forma pauperis* status for purposes of any appeal;

8 (5) The Clerk is DIRECTED to enter judgment consistent with this Order, to
9 send a copy of this Order and the Judgment to all counsel of record, to plaintiff pro se,
10 and to Chief Magistrate Judge Creatura, and to CLOSE this case.

11 IT IS SO ORDERED.

12 Dated this 20th day of December, 2022.

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15 Thomas S. Zilly
16 United States District Judge
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